

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

11	UNITED STATES OF AMERICA,	)	No. CR-08-00652-SBA
12	Plaintiff,	)	
13	v.	)	ORDER GRANTING STIPULATED
14	LONNIE IVORY PETERSON,	)	REQUEST TO CONTINUE HEARING
15	Defendant.	)	DATE TO JANUARY 27, 2009 AND TO
16		)	EXCLUDE TIME UNDER THE SPEEDY
17		)	TRIAL ACT
		)	Date: December 16, 2008
		)	Time: 9:00 a.m.
		)	Court: Hon. Sandra Brown
		)	Armstrong

The parties jointly requested that the hearing in this matter be continued from December 16, 2008 to January 27, 2009, and that time be excluded under the Speedy Trial Act between December 5, 2008 and January 27, 2009 to allow for the effective preparation of counsel, taking into account the exercise of due diligence. The parties further requested that the Court order the United States Probation Office to prepare a pre-plea criminal history report to assist the parties in understanding the impact of defendant's juvenile record.

According to the parties, defendant is 19 years old and has several juvenile arrests and potential convictions. It is difficult for the parties to determine the dispositions of defendant's juvenile proceedings. The dispositions could, however, significantly impact defendant's sentencing exposure in this case. For example, defendant's juvenile dispositions may cause him

1 to be ineligible for the safety-valve reduction. The parties, therefore, requested that the Court  
2 order the United States Probation Office to prepare a pre-plea criminal history report to assist the  
3 parties in determining the impact of defendant's juvenile convictions and his ultimate potential  
4 sentencing exposure. Defendant agreed that the Court may review the pre-plea criminal history  
5 report even though he has not yet pleaded guilty. The parties agree the ends of justice served by  
6 granting the continuance outweigh the best interests of the public and defendant in a speedy trial.  
7 For these stated reasons, the Court finds that the ends of justice served by granting the  
8 continuance outweigh the best interests of the public and defendant in a speedy trial. Good  
9 cause appearing therefor, and pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv),

10 **IT IS HEREBY ORDERED** that the hearing in this matter is continued from December  
11 16, 2008 to January 27, 2009 at 9:00 a.m., and that time between December 16, 2008 and  
12 January 27, 2009 is excluded under the Speedy Trial Act to allow for the effective preparation of  
13 counsel, taking into account the exercise of due diligence.

14 **IT IS FURTHER ORDERED** that the United States Probation Office shall prepare a  
15 modified Presentence Investigation Report detailing defendant's criminal history only.

16  
17 DATED: 12/8/08

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Judge